

## **Agenda – Standing Policy Committee on Property and Development – October 8, 2013**

REPORTS

## **Item No. 8      Mission Industrial Neighbourhood – Planning Approaches for Mitigating Conflicts Between Residential and Industrial Uses**

## WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That the Public Service initiate the development of a Local Area Plan for the Mission Industrial area.
  2. That the development of a Local Area Plan for the Mission Industrial area be added to the Local Area Planning Initiatives report.
  3. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## **Agenda – Standing Policy Committee on Property and Development – October 8, 2013**

### **DECISION MAKING HISTORY:**

#### **STANDING COMMITTEE RECOMMENDATION:**

On September 10, 2013, the Standing Policy Committee on Property and Development laid over the matter to its meeting on October 8, 2013.

On March 12, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service.

#### **COUNCIL DECISION:**

On November 14, 2012, Council concurred in the recommendation of the Standing Policy Committee on Property and Development.

#### **EXECUTIVE POLICY COMMITTEE RECOMMENDATION:**

On November 7, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

#### **STANDING COMMITTEE RECOMMENDATION:**

On November 6, 2012, the Standing Policy Committee on Property and Development recommends that the Winnipeg Public Service report back in 120 days to the Standing Policy Committee on Property and Development on the October 24, 2012, Council Motion.

#### **COUNCIL DECISION:**

On October 24, 2012, Council ruled automatic referral of the following motion to the Standing Policy Committee on Property and Development Committee:

Moved by Councillor Vandal,  
Seconded by His Worship Mayor Katz,

**WHEREAS** the recent bio diesel fire in St Boniface occurred on land zoned M3, which was in close proximity to a residential neighbourhood;

**Agenda – Standing Policy Committee on Property and Development – September 10, 2013**

DECISION MAKING HISTORY (continued):

COUNCIL DECISION: (continued)

AND WHEREAS there are other tracts of M3 zoned land in the general vicinity of the bio diesel fire, which is in close proximity of residential land;

AND WHEREAS there is a general consensus from residents and economic development organizations that it is time to review the land use of the entire area bordered by Archibald to the west, Marion to the south, Lagimodiere to the east and Mission to the north (generally the Mission Industrial Neighbourhood) in an effort to promote safe, planned and orderly development between heavy industrial uses and existing and future residential uses;

AND WHEREAS there are current plans to enhance residential living opportunities in this general vicinity;

AND WHEREAS there are plans for a significant enhancement to Marion St, east of Archibald;

THEREFORE BE IT RESOLVED THAT the Public Service be directed to research and analyze planning approaches (including a potential new secondary plan) for mitigating conflicts between residential and heavy industrial uses, with a focus on the Mission Industrial Neighbourhood, in order to promote safe and orderly development;

AND BE IT FURTHER RESOLVED THAT the Public Service consult and verify with the Provincial government that all requirements and conditions are consistently monitored for existing Industrial uses with Provincial Environmental licenses.

# ADMINISTRATIVE REPORT

**Title:** Mission Industrial Neighbourhood – Planning Approaches for Mitigating Conflicts Between Residential and Industrial Uses  
**Critical Path:** Standing Policy Committee on Property and Development – EPC - Council

## AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	B. Thorgrimson	n/a	D. Joshi

## RECOMMENDATIONS

1. That the Public Service initiate the development of a Local Area Plan for the Mission Industrial area.
2. That the development of a Local Area Plan for the Mission Industrial area be added to the Local Area Planning Initiatives report.
3. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## REASON FOR THE REPORT

At its November 14, 2012, meeting, Council concurred in the November 6, 2012, recommendation of the Standing Policy Committee on Property and Development that the Public Service report back to that Standing Policy Committee, in 120 days, on Council's motion of October 24, 2012, regarding the following:

1. Planning approaches (including a potential new Secondary Plan By-law) for mitigating conflicts between residential and heavy industrial uses, with a focus on the Mission Industrial Neighbourhood, in order to promote safe and orderly development.
2. Monitoring existing industrial uses with Provincial Environmental licenses.

On March 12, 2013, the Standing Policy Committee on Property and Development concurred in the Public Service's recommendation for the Public Service to report back to that Standing Policy Committee on September 10, 2013.

On September 10, 2013 the Standing Policy Committee on Property and Development concurred in the Public Service's recommendation for the Public Service to report back to that Standing Policy Committee on October 8, 2013.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the Public Service will initiate a local area planning process for the Mission Industrial area. A first reading report, which will include the Local Area Plan for Mission Industrial, will be advanced to Standing Policy Committee at a later date.

This report will have implications on the Urban Planning Division's work plan.

## HISTORY

On October 2, 2012, a substantial fire destroyed a bio-diesel manufacturing and storage use at Speedway International Limited's site at 40 Nicolas Avenue in the Mission Industrial Neighbourhood (MIN). As previously stated, Council subsequently directed the Public Service to research and analyze issues regarding the residential – heavy-industrial interface, with a focus on the MIN.

## DISCUSSION

### INTRODUCTION

Various planning approaches are being employed in Winnipeg and elsewhere to address interface issues between industrial land and residential areas, including:

- steering land use patterns to reduce the amount of interface between residential and heavy-industrial zoning districts;
- establishing a buffer area between residential and heavy-industrial zoning districts either through right-of-way / green space or lower intensity non-residential development; and
- enhancing industrial properties, buildings or street design to mitigate the appearance and/or impacts of heavy industrial uses (including noise, odours, traffic, etc.).

Determining which is the best approach requires an understanding of the specific nature of the land use conflict on a site-by-site basis, whether that be noise, odour, fumes, dust, truck traffic, soil contamination, combustion risk, or simply the aesthetic character and image of the industrial neighbourhood.

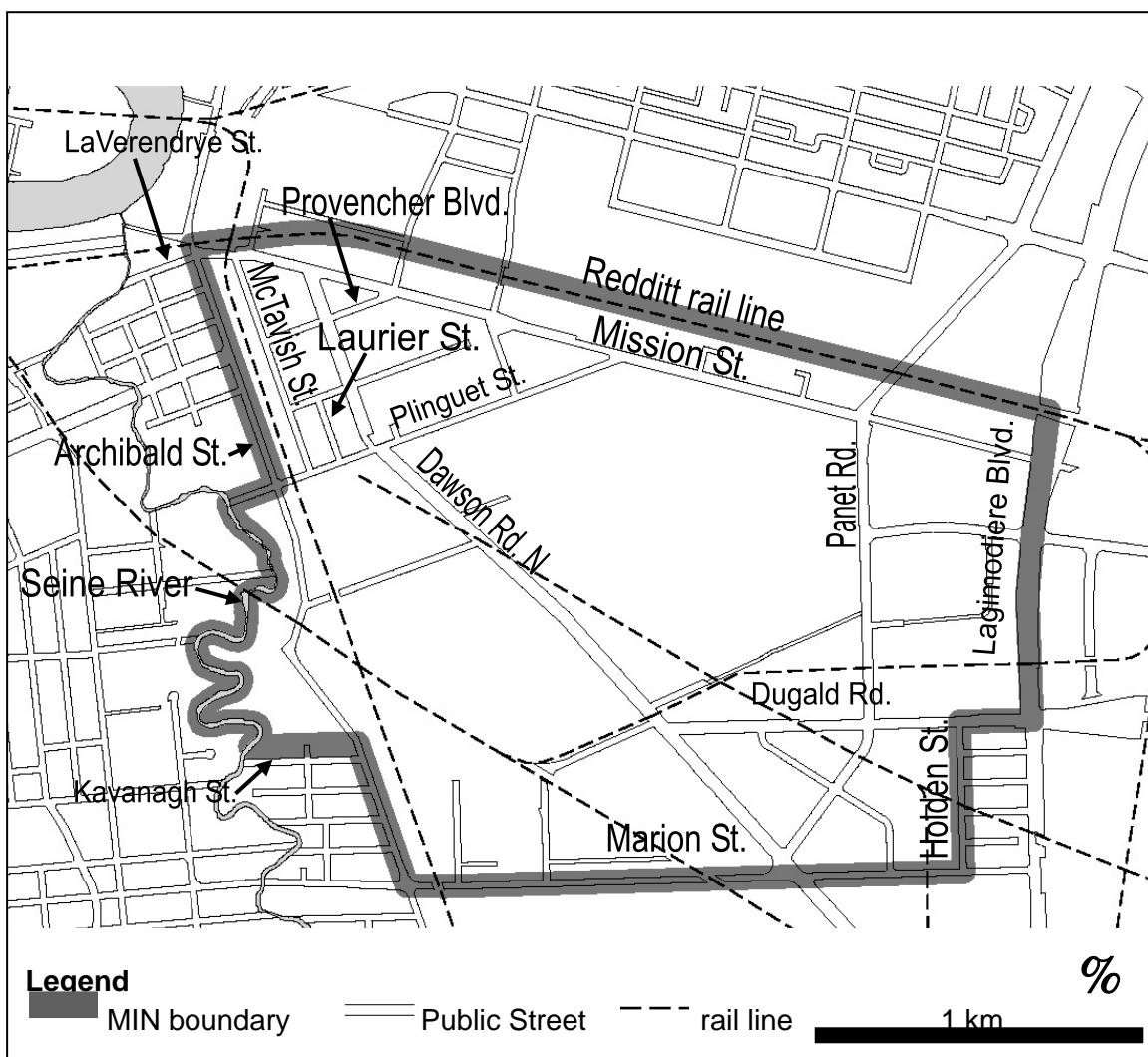
With a focus on the Mission Industrial Neighbourhood (MIN), the intent of this report is to explore strategies that can mitigate the potential conflict between industrial and residential uses, at both the city wide and neighbourhood level.

The first section of this report provides an overview of the MIN, including its policy context, zoning, land use, and location of potentially noxious and hazardous sites. The second section of this report provides an overview of the various planning approaches that may be used to address the heavy industrial – residential interface. Attachment 'A' provides an overview of the six primary industrial – residential interface areas within the MIN.

### THE MISSION INDUSTRIAL NEIGHBOURHOOD

The Mission Industrial Neighbourhood (MIN) is located in northeast St. Boniface and is bound by Marion Street to the south, Lagimodiere Boulevard and Holden Street to the east, Archibald Street and the Seine River to the West and CNR's Redditt rail line to the north (see Map 1:Neighbourhood Boundary and Public Streets).

**Map 1: Neighbourhood Boundary and Public Streets**



The MIN is primarily an industrial neighbourhood of approximately 940 acres in size that has developed as one of the City's largest and most diverse employment areas. While the majority of the nearly 200 properties within the MIN serve industrial functions, there are also numerous commercial, residential, institutional, office and recreational uses within the neighbourhood, including more than 50 dwelling units accommodating a residential population of approximately 150 people. There are also a number of residential clusters located adjacent to the MIN. In many cases, these residential uses are located in close proximity to industrial uses, which may create the potential for land use conflicts.

## Policy Context

### *Complete Communities*

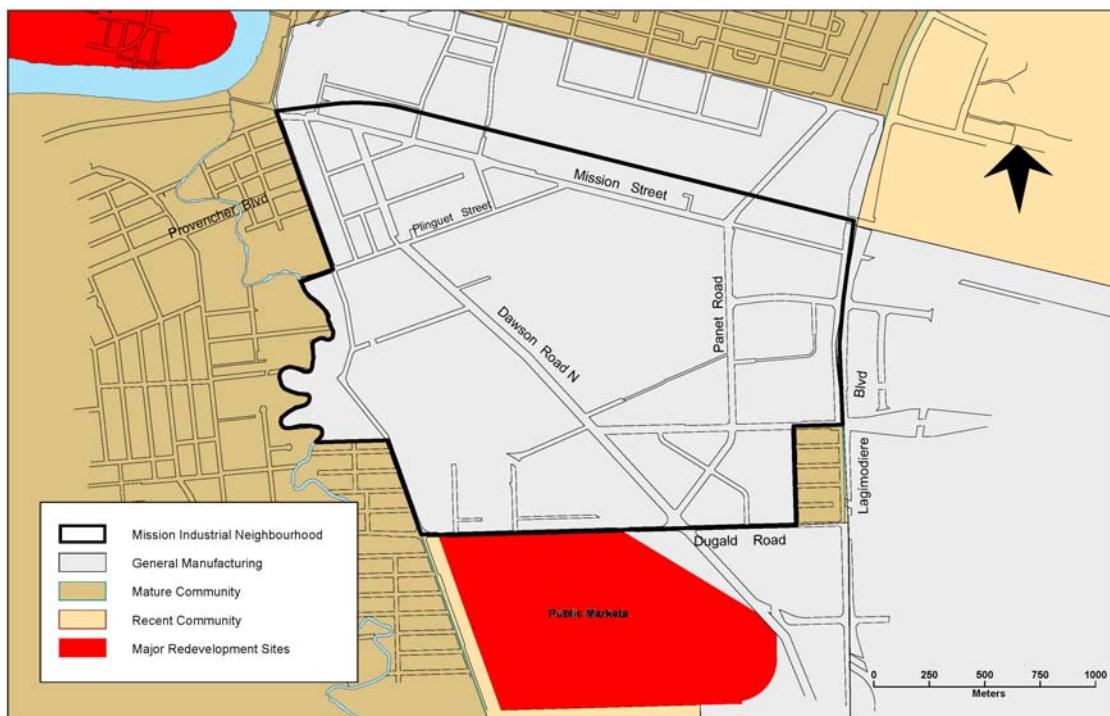
The entire MIN is designated within the *Complete Communities Direction Strategy* as General Manufacturing. These areas are typically intended to accommodate a range of industrial uses, including uses such as: light industrial; manufacturing; office; warehouse; and heavy industrial.

To the west of the MIN are the neighbourhoods of North St. Boniface, Central St. Boniface, Tissot, and Dufresne. These neighbourhoods are all designated as Mature Communities. In addition, the Holden neighbourhood, which is located immediately to the east of the MIN, is also designated as Mature Communities. Mature Communities are primarily residential neighbourhoods that were mostly developed prior to the 1950's. It is important to note that the areas where General Manufacturing and Mature

Communities policy areas meet creates hard edges where potential for land use conflicts often exists (see Attachment 'A' for an overview of these interface areas).

The Public Markets Major Redevelopment Site is also located immediately to the south of the MIN. This large and primarily vacant site presents significant redevelopment potential and may accommodate residential, commercial, light industrial, and parks and recreation uses in the future. It is important to note that the redevelopment of this site will include a proactive and collaborative planning process, which would include public consultation and the formulation of a plan for the entire Major Redevelopment Site. This process would present an opportunity to mitigate potential conflicts between existing industrial uses within the MIN and future uses within the Public Markets site.

### Map 2: Complete Communities' Policy Areas



### Employment Lands Strategy

The Employment Lands Strategy was completed in 2008 to inform the review of *Plan Winnipeg 2020 Vision*. According to the *Employment Lands Strategy*, the City of Winnipeg will require approximately 3,450 net acres of employment lands from 2006-2031 to accommodate anticipated economic growth. Given the City's supply of designated greenfield lands, an additional 400 acres of employment lands are required during the 2006-2031 time period in order to support economic growth. It is important to note that the *Employment Lands Strategy* was completed before the creation of CentrePort Canada and did not contemplate a significant share of the 20,000 acres that comprises CentrePort. CentrePort may have an impact on the overall employment lands dynamic within the City of Winnipeg.

Specific to the MIN, the *Employment Lands Strategy* recommended that the entire neighbourhood was to remain as an Industrial Policy Area of *Plan Winnipeg*. Further, the report states that the MIN offers "comparatively inexpensive site redevelopment opportunities for users willing to overlook the low standard of development and appearance characteristic of the neighbourhood."

### North St. Boniface Secondary Plan

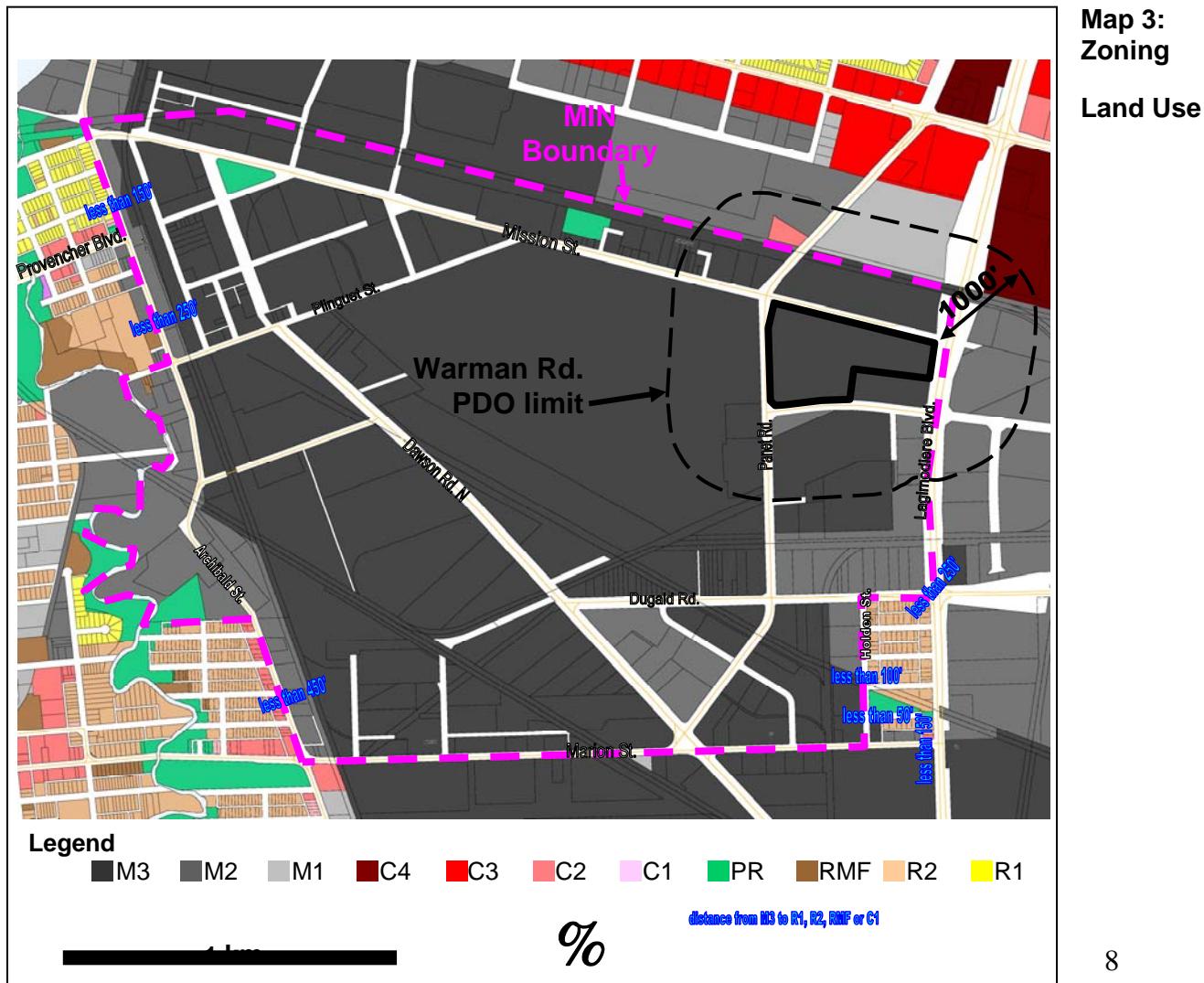
The *North St. Boniface Secondary Plan* is intended to reinforce the predominantly residential nature of the North St. Boniface neighbourhood. It is important to note that the lands to the east of the Seine River, within the *North St. Boniface Secondary Plan* area, are located adjacent to the MIN and designated as Residential Policy Area, and Commercial Policy Area (along Provencher Blvd).

### Zoning

The MIN is primarily zoned M2 – Manufacturing General (12.7 percent) and M3 – Manufacturing Heavy (86 percent) (see Map 3: Zoning). The M2 zoning district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. The M3 zoning district typically accommodates heavier industrial uses than the M2 district and allows for more extensive outside operations and storage. Some M3 uses include: battery, chemicals, machinery and plastics manufacture; mushroom plant; batching plant; packaging plant; slaughterhouse; rendering plant; railway yard; mining and extraction; garbage incineration and reduction; landfill/snow dump; waste transfer station; wrecking and salvage yard; and grain elevator. It is important to note that approximately 15 percent of land zoned M3 within the City of Winnipeg is located in the MIN. This is the largest concentration of M3 land within the entire city (see Attachment B).

Many M3 uses are potentially noxious and may generate frequent truck traffic, as well as noise and odour impacts on neighbouring properties. According to Zoning By-law 200/2006 “new M3 zoning districts should not be established within 300 feet of an existing residential zoning district.” In addition, Zoning By-law 200/2006 has several site and building design requirements that apply to proposed developments under a variety of circumstances. These requirements pertain to design aspects such as yard depths, how yards can be used, landscaping (including fencing), lighting and building heights. An increase in the separation distance (currently 300 feet) and the enhancement of the above noted standards presents some potential approaches to mitigate impacts of heavy industrial near residential (see **POTENTIAL OPTIONS AND CONSIDERATIONS** section for more discussion on possible tools and approaches).

It is also important to note that the Warman Road PDO applies to an area within the MIN. This PDO is unique in that its purpose is to protect the industrial use at 1 Warman Road – a food processing facility – from other industrial uses, even those that are permitted uses in zoning districts other than M3. PDOs could also be used as a tool to protect residential areas from potentially noxious uses (see **POTENTIAL OPTIONS AND CONSIDERATIONS** section for more discussion on possible tools and approaches).



Industrial is the dominant land use within the MIN, with approximately 69 percent of land area (excluding roads) currently being occupied by an industrial use. This includes industrial uses such as: Miscellaneous Industrial (32 percent); Warehousing (25 percent); Light Manufacturing (6.5 percent); and Heavy Manufacturing (2.4 percent).

While industrial represents the dominant land use within the MIN, a range of other land uses exist within the neighbourhood. For example, commercial land uses account for 2.9 percent of total area and vacant land accounts for 15.4 percent of total area. It is worth noting that rail accounts for 3.5 percent of land area within the MIN. Rail lines may pose a safety risk for those living in close proximity. Guidelines for New Development in Proximity to Railway Operations, developed by the Federation for Canadian Municipalities and the Railway Association of Canada proposes a 30 metre setback for new residential development from rail lines, in addition to other measures such as berms and acoustical fences.

Residential land uses account for approximately 1.5 percent of total land area within the MIN and are dispersed among a number of small clusters. There are also several residential clusters located adjacent to the MIN (see Map 4: Land Use).

#### Map 4: Land Use



Many of the adjacent residential clusters are located in close proximity to potentially noxious and hazardous industrial uses. Land uses considered 'High Hazard Occupancy' by the City of Winnipeg involve activities identified in the building code under Group F, Division 1 (*National Building Code of Canada 2010*). These include:

- Bulk plants for flammable liquids
- Grain elevators
- Spray painting operations
- Feed mills
- Chemical manufacturing/processing plants

- Paint, varnish and pyroxylin product factories

Other potentially hazardous uses include land use activities involving the storage or handling of materials which are flammable but not inherently explosive. Land uses involving these activities include:

- Fuelling stations
- Fossil fuel farms
- Asphalt/cement operations
- Plastics manufacturing

As identified on Map 5, there are a number of sites that are identified as 'Flammable / High Hazard Occupancy', which include land use activities involving the storage, processing and/or handling of combustible materials.

### Map 5: Flammable Material Storage and High Hazard Occupancy Sites



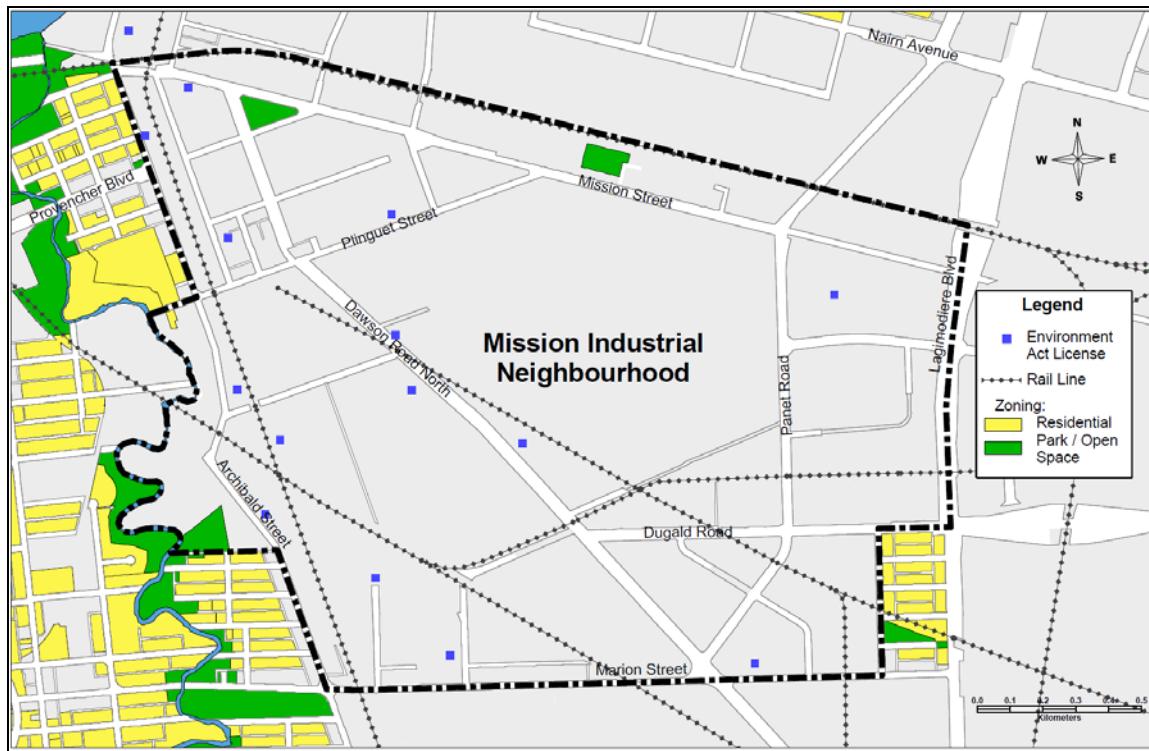
Locations represented on Map 5 were identified using data contained in City of Winnipeg databases supported by a 'windscreen' survey. A proper site-by-site investigation would be required to provide a more accurate and up-to-date inventory and assessment of hazardous uses and activities. While such an exercise would be time and resource intensive, it would be a recommended starting point in the preparation of a Local Area Plan (see **POTENTIAL OPTIONS AND CONSIDERATIONS** section for more discussion on possible tools and approaches).

### Regulation & Licensing

Manitoba Conservation and Water Stewardship, Environmental Compliance and Enforcement Branch verified that it "reviews, monitors and conducts inspections as required for clients/facilities that are issued Environment Act Licenses" (Conservation and Water Stewardship - Environmental Compliance and Enforcement, personal communication, March 27, 2013). There are 16 such sites within the MIN that

were issued Environmental Act Licenses by the Province of Manitoba (See Map 6 Environment Act Licenses).

#### Map 6: Environment Act Licenses



It should be noted that hazardous materials housed on rail cars are not subject to the monitoring system under Provincial jurisdiction. The implication is that some operations will avoid Provincial licensing and scrutiny by storing and accessing hazardous materials (ex, petroleum) directly from rail car tanks parked on their property.

#### Assessment and Taxation

The MIN includes nearly 200 individual properties with a total assessed land value of \$167,390,000. The neighbourhood also generates significant property taxes, business taxes, and levies (\$2,505,000 – 2013).

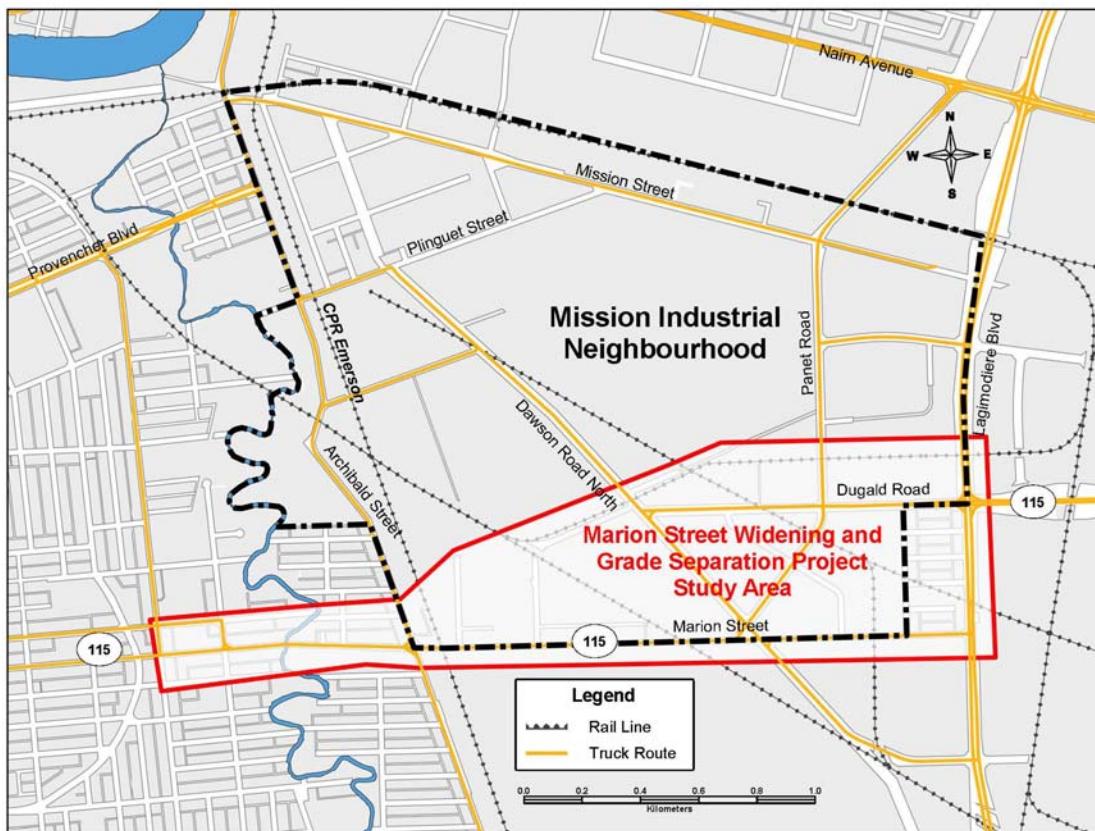
#### Functional Design Study and Public Consultation for Marion Street Widening and Grade Separation

A significant portion of the MIN is in the study area of the “Functional Design Study and Public Consultation for Marion Street Widening and Grade Separation” (see Map 7: Transportation Routes Map).

The aforementioned project is a functional design study of, and public consultation on, Metro Route 115, which includes Goulet Street, Marion Street, Lagimodiere Boulevard and Dugald Road. The Project will investigate alternative alignments for Route 115 between Rue Des Meurons and the Dugald Road Overpass. The study includes determining a location and alignment for a grade separation of Route 115 and CPR Emerson, improving the operation of the Marion/Archibald intersection and improving the operation of Lagimodiere Boulevard between Marion Street and Dugald Road. The study was to start in August of 2013 and is expected to take approximately one year to complete.

A re-alignment of Route 115 may present an opportunity to create a buffer between the MIN and future development in or near the Public Markets Major Redevelopment Site to the south.

### Map 7: Transportation Routes Map



## POTENTIAL OPTIONS AND CONSIDERATIONS

There are common issues across most heavy manufacturing areas in the City – most are in mature areas of the City and are near residential. There may be a desire to employ strategies that can mitigate this interface broadly across the City. The following section details a range of potential tools to consider, some of which have City-wide applicability, while others are specific to a particular geography, such as a neighbourhood, street, or individual lot. As noted in this section, it is the local area planning process that will determine what tools and overall approach will best address the residential – heavy industrial interface within the MIN.

### Complete Communities Direction Strategy and the Urban Structure

*Complete Communities* focuses primarily on new employment areas. Only three strategies are applicable to mitigating land use conflicts in mature areas:

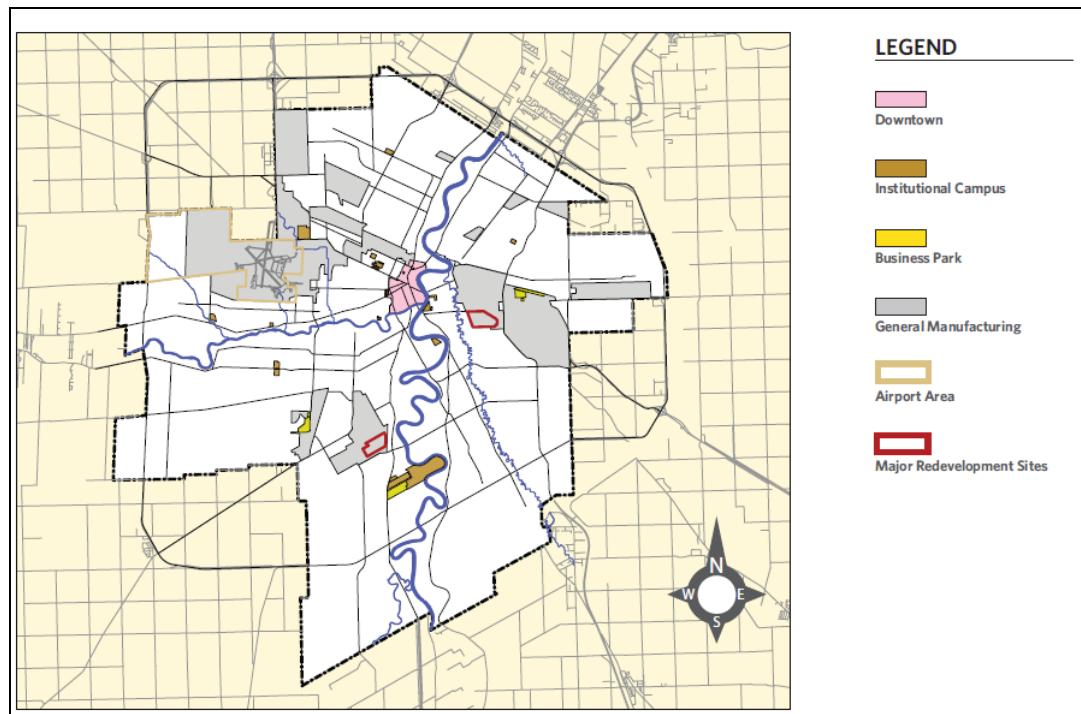
- Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential (*Complete Communities*, page 98).
- Ensure the provision of natural buffers to provide visual screening and separation of conflicting land uses where necessary (*Complete Communities*, page 98).
- Where directed and when warranted, require the abatement of pollution and facilitate the relocation of premises (*Complete Communities*, page 98).

*Complete Communities* could provide more explicit direction in dealing proactively with mature neighbourhoods adjacent to (and overlapping with) existing heavy manufacturing areas. The above

policies are generally applicable to all manufacturing areas, both light and heavy, without reflecting on the significant difference in impacts between heavy and light manufacturing.

One approach to addressing Industrial/Residential interface conflicts would be to identify and map policy areas for *heavy* manufacturing within *Complete Communities*. This would serve to provide additional guidance for future re-zoning applications in proximity to the most noxious industrial lands and provide increased assurance that those industrial uses most incompatible with residential uses are directed to the appropriate locations.

**Figure 1: Complete Communities Employment Lands Map**



### Zoning By-Law Amendments

Zoning By-law 200/2006 includes an increased setback requirement of 25 feet and landscaping and buffering requirements for Manufacturing-zoned properties that abut R1, R2 or RMF-zoned properties. In some examples from other Canadian cities, the Heavy Manufacturing or equivalent zones also have increased setback requirements when these lots share property lines with residential-zoned properties. Both the Calgary and Toronto Zoning By-laws include 50 foot (15 metre) setbacks when an industrial-zoned lot line is shared with a residential-zoned lot line. The City of London, Ontario has a 200 foot (60 metre) side and rear yard requirement when a Heavy Manufacturing-zoned property abuts a residential-zoned property.

More stringent regulations are incorporated in some Zoning By-laws for certain uses. For example, the City of Regina Zoning By-law restricts hazardous or dangerous waste facility locations from being within 330 feet (100 metres) of residences, seniors' homes, day care centres and other like uses when materials associated with the hazardous use are stored indoors. When the hazardous materials are stored outdoors, the minimum separation distance is 1600 feet (500 metres).

It is worth noting that the City of Calgary has an "Industrial Edge District". The intent is for this district to be located on the periphery of industrial areas where the industrial parcels share a property line with a residential district, or a local street or lane that abuts a residential district. Uses are generally limited to those that are more commercial in nature and outside storage is also limited to help mitigate the potential impact of industrial uses that border the residential uses.

The City of Winnipeg Zoning By-law 200/2006 includes some regulations that help address incompatibilities between residential and manufacturing uses that are common or consistent with other Canadian municipalities. However, the following inconsistencies are noted:

- The City of Winnipeg Zoning By-law has no use specific standards that further regulate the most potentially noxious Manufacturing uses if these uses are permitted in a zoning district that may be located in close proximity to a residential-zoned property or properties. For example, commercial spray painting facilities are permitted as accessory to auto body repair (permitted in commercial zoning districts) even though the building code would classify it as a high hazard occupancy.
- Substantially higher side and rear setback requirements for Manufacturing-zoned properties sharing lot lines with residential properties are found in a few zoning by-laws across Canada. Regardless, the setbacks found in the City of Winnipeg Zoning By-law is generally similar to those found in zoning by-laws from other Canadian cities.

These inconsistencies could be addressed by the following:

- A review of land uses in the zoning by-law that are potentially incompatible with residential properties could be conducted in order to identify additional standards that could be added to help mitigate land use conflicts.
- Maintain the existing landscaping requirements of the City of Winnipeg Zoning By-law, but increase the required setback per Manufacturing zoning district as it increases in intensity. Under this scenario, the M1 district would have the lowest required setbacks when adjacent to a residential property, while the M3 district would have the highest setbacks.

Although the suggested changes above can help reduce land use conflicts between manufacturing and residentially-zoned properties, the changes will only impact new development. Non-conforming rights will persist for existing developed manufacturing properties.

These suggestions result from a preliminary review of zoning regulations from other Canadian cities and of the City of Winnipeg Zoning By-law 200/2006. The Public Service should consult with industry and the general public prior to further pursuing either of the changes.

### **Planned Development Overlay (PDO)**

Planned Development Overlays are a means to alter or specify allowed uses and/or development standards in otherwise appropriate zones. They could be used to increase building setbacks, decrease building sizes, enhance landscape, fencing or buffering standards, etc. They could also be used to limit specific uses from being established. However, a PDO cannot be used as a de facto downzoning, i.e., a PDO cannot be used to mimic another zoning category, such as M2. In these types of instances, properties should be downzoned to M2 or another zoning category. As such, PDOs may be best suited to addressing visual appearance of industrial uses, rather than heavier impacts, such as odour, noise or hazardous materials risks.

Per Zoning By-Law 200/2006, A PDO should address “unique or special circumstances, in order to achieve local planning objectives in specially designated areas.” This means that a PDO should be part of a larger planning exercise (ideally with public consultation) and must address circumstances unique to properties in the MIN (i.e. to restrict outside storage in yards facing specific streets). Depending on how it is crafted, additional areas elsewhere in the City could be added to the same PDO in the future. One would need to weigh the merits of applying a PDO to specific mapped areas versus the approach of applying enhanced standards (such as increased setbacks, outside storage restrictions, etc.) for all M3 properties within a certain distance of residential through text amendments to the zoning by-law (as discussed above under Zoning By-Law Amendments).

A planning process involving area stakeholders could help identify enhanced standards that are tenable and that address neighbourhood concerns. However, PDO regulations only affect new developments or redevelopments. Existing businesses may continue as they are indefinitely, with legal non-conforming rights.

### **Rezonings**

Industrial areas near residential could be downzoned from heavy manufacturing and general manufacturing to light manufacturing or commercial. Analysis of the MIN and the immediate area suggests most of the industrial land in close proximity to residential is being used as light manufacturing and could be rezoned to M1 without becoming non-conforming. The benefits of an M1 zoning category include:

- no outside storage permitted;
- outdoor display areas are limited to 10% of lot area;
- restrictions on some unsightly uses (towing facilities, crematoriums, auction yards, grain elevators).

M1 also permits many institutional, recreational, service and retail uses that are not permitted in M2 or M3, so rather than just being more restrictive, it opens the door to more compatible development options. This could be appealing to land owners, especially on arterial routes like Provencher Boulevard, Archibald Street, Marion Street and Lagimodiere Boulevard.

There may be interest in selectively using “PR” Parks and Recreation zoning as a buffer between residential and industrial. One example would be the vacant City-owned property along the Seine River illustrated below (see Figure 1). It is immediately abutting single-family residential and is zoned “M2” General Manufacturing. It is contiguous with other City-owned land parcels to the south and has the potential to form a future greenway link with Happyland Park.

**Figure 2: Vacant M2 land along the Seine River**



It is important to note that rezonings only affect new developments or redevelopments. Existing businesses may continue as they are indefinitely, with legal non-conforming rights. Map 4 illustrates that there are many residential properties within the Mission Industrial Neighbourhood that were zoned industrial but have persisted for a very long time. Similarly, homes in the Dufresne Neighbourhood along Archibald were zoned to “C2” Commercial, but most still are residential. These examples illustrate that changing zoning rights does not always resolve land use conflicts. Like the previous tools discussed, changes in zoning only ensure that land uses conflicts do not worsen over time, but instead have the opportunity to become phased out.

There have been instances in the past when the downzoning of industrial land has not been supported by the land owners of effected properties, even where supported by a secondary plan. Collaborative

engagement with land owners and other stakeholders would be prudent in order to ensure that any proposed zoning changes are generally accepted by industry, area residents and other stakeholders.

### **Relocation of Uses**

Where land use conflicts warrant more direct and immediate action, incentives can be offered to encourage the voluntary relocation of an incompatible use. Incentives can be implemented either city-wide or restricted to well-defined target areas. A condition of any incentive funding received would be a requirement to rezone the property to a more compatible zoning district. Similarly, the City could use its Land Operating Reserve to acquire incompatible land parcels and rezone them to a more appropriate zoning category for redevelopment. For example, there are small clusters of houses within the MIN that are zoned M3. The existence of these residential uses can impact or even restrict certain industrial activities that would otherwise be permitted on neighbouring parcels. The residential uses on the parcels within these clusters are likely to continue to exist as Legal Non-conforming Uses as the parcels they occupy are too small to meet industry needs. Consolidating the parcels into larger holdings could make them more viable for industrial use. Ironically, many of these ‘residential’ parcels are owned by nearby industrial operations and rented out.

Redevelopment of either industrial or residential lands, can not only eliminate a land use conflict, it could yield significant economic development benefits. Some large parcels near the Seine River could accommodate higher density residential infill with a buffer zone screening the industrial district. Major arterials like Provencher Boulevard, Archibald Street, Marion Street or Lagimodiere Boulevard may be attractive for commercial redevelopment.

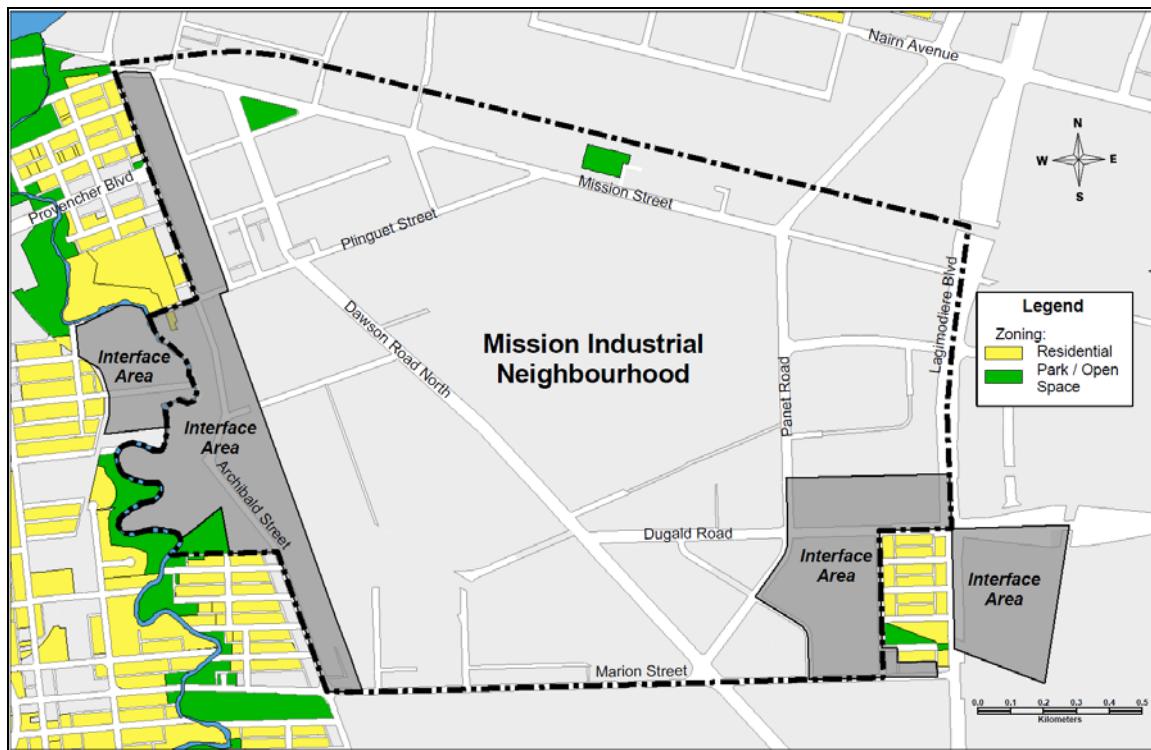
The City may also be able to draw on brownfield funding programs to aid in such an initiative. (The Federation of Canadian Municipalities offers brownfield support through its Green Municipal Fund.) The Public Service has not undertaken a detailed return on investment analysis associated with redevelopment of targeted properties. This analysis would be necessary to determine the viability of an incentive or acquisition program.

### **Incentives for Site Improvements and Buffering**

Improved buffering, fencing, and paving could make a significant difference in the impacts of industrial properties adjacent to residential areas. Many business parks throughout the City contain light manufacturing uses and are able to successfully co-exist with nearby residential uses through the use of on-site improvements and buffer strips. Site improvements and buffering are most successful for abating the visual impacts of light industrial uses, rather than the heavier impacts most commonly associated with heavy manufacturing uses (ie. Odour, noise, hazardous materials processing).

Analysis suggests that a majority of the industrial land within the MIN interface areas are of a light industrial nature (See Map 8 - Interface Areas). Proper fencing and buffering may be favored over downzoning as an effective tool for mitigating land use conflict in the interface areas. In order to ensure long term benefit from this approach, the City could negotiate an easement for a landscape buffer, which would help ensure that it would not be eroded in the future. Where the property is near the Seine riverbank, an easement could serve double duty not only as a buffer between industrial and residential, but also as a link in the parkway system in this area.

## Map 8: Interface Areas



An incentive approach or cost sharing of site improvements could bring about change more quickly than zoning because non-conforming rights under zoning, often persist for decades. While the Zoning By-Law Amendments section above contemplates *enhancing* buffering standards in the zoning by-law, some properties fail to meet *existing* standards for setbacks, fencing, paving and landscaping because they were developed prior to adoption of the current zoning by-law.

**Figure 3: Better fencing/landscaping would screen headlight glare and outside storage**



Potential uptake of such an incentive program is unknown, but through consultation with stakeholders, interest in this approach, and the level of investment necessary to make this approach viable could be gauged. This is effectively an image enhancement strategy. Given competing demands for civic resources, investment in landscaping and fencing on private property may be viewed as a low priority. Confining implementation of this approach to the MIN, may foster the expectation that similar incentives would be offered in other interface areas throughout the City.

## Road Network and Streetscape Design

As an alternative to seeking fencing and buffering on private property, it is possible to implement fencing and buffering within the public right-of-way where there is adequate space. This is effectively a streetscaping approach, where the right-of-way design softens the edge between residential and industrial uses. A benefit of this approach is that it provides immediate improvement over a defined area compared with the incremental property-by-property improvements brought about by other tools. For example, if the Marion Street project scope contemplated a wider than standard right-of-way with a landscaped/fenced buffer, it would serve as an effective visual screen and image enhancement for future mixed-use at the Public Markets site.

There may also be opportunities to establish new right-of-way corridors which provide a separation between incompatible uses or remove heavy trucking from residential streets altogether. For example, there are some large industrial parcels west of the Seine River south of Provencher Boulevard that use local residential streets for truck access. Creating a direct access to a nearby collector or arterial street would eliminate much of the impact these uses have on homes in the immediate area. Similarly, any future changes to the intersection of Dugald Road and Lagimodiere Boulevard should consider ways to buffer or reroute trucks from passing close to homes in the Holden Neighbourhood in order to ensure ongoing viability of that residential enclave.

While right-of-way acquisition and right-of-way landscaping/buffering are significant budget items, this is an approach with immediate, tangible results.

**Figure 4: Heavy trucks on local residential streets near Mission Industrial**



## Inspections

Setbacks and separation of uses are not the only means of addressing the hazards of heavy industrial activities in proximity to residential uses. Construction methods and operational standards are prescribed through the building code and licensing provisions. When these standards are adhered to, the risk associated with these types of activities is significantly minimized. In the case of 40 Nicolas Street, the City of Winnipeg has cited 16 by-law infractions, suggesting that the operation itself may not be as much a hazard as failure to comply with standards through the permitting process. Although by-law infractions are typically addressed on the basis of complaints, issues or incidents, there may be ways to better address this matter through inspections. It is not unreasonable to assume that 40 Nicolas is not an isolated case and that there are many other properties in contravention of City by-laws. Ensuring no illegal land uses, activities or developments are occurring in these critical interface areas is a straightforward approach for improving safety of residential-industrial interface areas.

## Local Area Plan

The purpose of a Local Area Plan is to provide general direction for development reviews, land use, development standards and capital projects within the Plan area. Local Area Plans also provide transparency and guidance to stakeholders, decision-makers and the general public regarding the long term vision for the area. Local areas plans should be consistent with the *Complete Communities*

*Direction Strategy* and help advance its policies. As such, the Plan serves as a bridge between the City-wide policies in *Complete Communities* and the local context of the Plan area. An example of a Local Area Plan with a similar context to the MIN is the Transcona Yards Industrial Neighbourhood Plan.

Local area plans co-ordinate the use of implementation tools, such as those discussed in the previous sections. The intent of a Local Area Plan is to provide a local vision as articulated by local stakeholders, set goals and provide policies in pursuit of those goals. The local area plan provides the policy backing and impetus for any capital projects or city-initiated zoning changes and can prescribe the use of specific implementation tools, or combination of tools. Should the City want to downzone lands, for example, a plan can demonstrate how the rezoning fits into an overall strategy that advances a public good. The local area plan could also provide guidance when considering development permit applications or the subdivision of land. A statutory secondary plan, in particular, provides the opportunity for public representation, and therefore, forms part of a transparent and inclusive public process that gives any resulting actions much more defensibility.

Success of this approach is largely dependent on the ability to build consensus among stakeholders, which may be time and resource intensive. It is also important to note that the MIN is not the only area in the City with significant concentrations of M3 uses in close proximity to residential uses (see Attachment B). Local area planning for all of these areas would require significant human and financial resources.

Table 1 on the following page summarizes each of the potential planning tools and the advantages and disadvantages of each. They are categorized into two groups – those that focus on *separating* residential and heavy industrial land uses, and those that focus on *mitigating* impacts through development standards and capital investments.

**Table 1: Summary of Potential Planning Tools**

Approach	Tool	Advantages	Disadvantages
1. Changing Land Use	1a. amend Urban Structure map/policies dealing with the locations of heavy manufacturing areas.	<ul style="list-style-type: none"> <li>• provides City-wide direction on future industrial zoning changes;</li> </ul>	<ul style="list-style-type: none"> <li>• a City-wide review would be a time and resource intensive effort;</li> <li>• brings about change slowly - existing uses retain non-conforming rights to remain.</li> </ul>
	1b. develop a local area plan in consultation with stakeholders to establish policy for future land use changes.	<ul style="list-style-type: none"> <li>• opportunity to tailor solutions with those most affected;</li> <li>• Transcona Yards Industrial Neighbourhood Plan could serve as a model.</li> </ul>	<ul style="list-style-type: none"> <li>• City-led local area plans are time and resource intensive;</li> <li>• only effective if the majority of stakeholders can agree on a common vision;</li> <li>• difficulty defining scope - which residential areas are affected by Mission Industrial?</li> <li>• brings about change slowly - existing uses retain non-conforming rights to remain.</li> </ul>
	1c. identify opportunities to change either residential or heavy industrial zoning to a low intensity non-residential zoning (such as commercial) to act as a buffer.	<ul style="list-style-type: none"> <li>• targets efforts to where need is greatest and opportunities are available;</li> <li>• could increase redevelopment options.</li> </ul>	<ul style="list-style-type: none"> <li>• difficult without buy-in from property owners;</li> <li>• brings about change slowly - existing uses retain non-conforming rights to remain.</li> </ul>
	1d. establish a budget for acquisition or relocation incentives for areas where the conflict between residential and heavy industrial is greatest.	<ul style="list-style-type: none"> <li>• most expedient means of achieving land use changes;</li> <li>• targets efforts to where need is greatest and opportunities are available</li> <li>• could increase redevelopment options.</li> </ul>	<ul style="list-style-type: none"> <li>• certain level of public investment needed to achieve desired changes, which may be financially prohibitive.</li> <li>• may require sustained effort over time to capitalize on opportunities as they arise - works best under the direction of a local area plan.</li> </ul>
2. Mitigating Impacts of Industrial Properties	2a. develop a local area plan in consultation with stakeholders to establish policy for future development standards and capital investment.	<ul style="list-style-type: none"> <li>• opportunity to tailor solutions with those most affected;</li> <li>• Transcona Yards Industrial Neighbourhood Plan could serve as a model.</li> </ul>	<ul style="list-style-type: none"> <li>• City-led local area plans are time and resource intensive;</li> <li>• only effective if the majority of stakeholders can agree on a common vision;</li> <li>• difficulty defining scope - which residential areas are affected by Mission Industrial?</li> <li>• new policy brings about change slowly - existing development retains rights to remain as is.</li> </ul>
	2b. enhance industrial development standards in the zoning by-law (landscaping, fencing, setbacks, etc.) and standards dealing with industrial noise, dust and odour either universally or in mapped areas through a Planned Development Overlay	<ul style="list-style-type: none"> <li>• relates directly to nuisance impacts on adjacent residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>• brings about change slowly - existing uses retain non-conforming rights to remain as is;</li> <li>• may be perceived by industrial stakeholders as a de facto downzoning, eliminating rights to certain types of operations currently permitted;</li> <li>• standards could be opposed by developers and varied out.</li> </ul>
	2c. establish a budget for cost sharing and/or easement acquisition for buffering and site improvements (landscaping, fencing, etc.) in identified areas near residential properties.	<ul style="list-style-type: none"> <li>• most expedient means of achieving physical improvements;</li> <li>• targets efforts to where need is greatest and opportunities are available.</li> </ul>	<ul style="list-style-type: none"> <li>• potential interest and uptake in such a program is unknown;</li> <li>• certain level of public investment needed to achieve desired changes, which may be financially prohibitive.</li> </ul>
	2d. review transportation patterns to identify opportunities to separate industrial truck traffic from residential traffic.	<ul style="list-style-type: none"> <li>• addresses a principal nuisance for residents near industrial;</li> <li>• new signage (turn restrictions, etc.) is relatively inexpensive.</li> </ul>	<ul style="list-style-type: none"> <li>• limited options for creating alternate routes in mature areas;</li> <li>• creation of new right-of-way in mature areas is typically cost-prohibitive.</li> </ul>
	2e. incorporate image enhancement measures through future right-of-way projects such as the Marion Street widening. Could include trees, berms, fencing, etc. within the right-of-way.	<ul style="list-style-type: none"> <li>• lower capital costs than relocating industrial land uses;</li> <li>• provides an all-at-once impact along a particular area compared with the property-by-property changes of other tools.</li> </ul>	<ul style="list-style-type: none"> <li>• planned right-of-way projects may not align with interface areas between residential and industrial;</li> <li>• acquiring land to create a buffer or widen right-of-ways brings significant costs.</li> </ul>
	2f. Prioritize inspections for code and by-law enforcement in industrial areas adjacent to residential.	<ul style="list-style-type: none"> <li>• uses existing regulations rather than creating new ones;</li> <li>• expedient means of addressing public safety</li> </ul>	<ul style="list-style-type: none"> <li>• achieving compliance through enforcement can sometimes be challenging and require resolution through the courts.</li> </ul>

## **CONCLUSIONS**

A local area planning process would provide an opportunity to better understand the MIN and allow for a more thorough analysis of the interface areas between Mission Industrial and adjacent residential. These interface areas, as summarized in Attachment 'A' would likely serve as the focus for the plan. The process would also provide an opportunity to explore non-conforming residential uses within the neighbourhood and outline an approach for addressing these areas.

A Local Area Plan for Mission Industrial would also serve to bundle and coordinate the potential use of many of the tools discussed in this report, and to do so within the context of a stakeholder engagement program. This would likely include the identification of potential opportunities to improve compliance with City and Provincial By-Laws, as well as an identification of other tools and approaches, such as downzoning lands within interface areas and/or the drafting of a PDO. It may also point to approaches with City-wide impact, such as amendments to *Complete Communities* or Zoning By-law 200/2006 which may yield significant benefits for the MIN and other areas with heavy industrial uses throughout the City.

## **FINANCIAL IMPACT**

### **Financial Impact Statement**      Date: **September 13, 2013**

#### **Project Name:**

**Mission Industrial Neighbourhood – Planning Approaches for  
Mitigating Conflicts Between Residential and Industrial Uses**

#### **COMMENTS:**

There are no financial implications associated with this report.

*"Original Signed By"*

\_\_\_\_\_  
Mike McGinn, CA  
Manager of Finance

## **CONSULTATION**

In preparing this report there was:

- internal consultation with:

- Fire Paramedic Service
- Public Works
- Assessment and Taxation
- external consultation with:
  - Manitoba Conservation and Water Stewardship

## SUBMITTED BY

Department: Planning, Property and Development

Division: Urban Planning

Prepared by: Brett Shenback

Date: September 20, 2013

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### Attachment A: Industrial-Residential Interface Areas



Attachment A

### Attachment B: M3 and Residential Zoning Map



Attachment B

#### Attachment A: Industrial-Residential Interface Areas



#### Interface Area 1: Archibald Street north of Provencher Boulevard

The Central Grain property on the east side Archibald Street spans three blocks and has mixed M2/M3 zoning. The M3 portion is within 150 feet of residential properties on the west side of Archibald. This grain processing facility is not just visually imposing; the operation is classified as a high hazard occupancy. The rail yards also present a potential hazard and come within 200 feet of the residential properties.



Central Grain

#### **Interface Area 2: Archibald Street south of Provencher Boulevard**

The homes on Tissot Street are slightly less than 300 feet from the rail yards that are zoned M3. Properties fronting on Archibald are zoned M2, which serves as a buffer. This includes tire sales, outdoor trailer display and sales, and storage rental units. The last home at the east end of Tissot Street is also zoned M2. The rehabilitation centre property further south on Archibald serves as a transitional home and is located approximately 200 feet from the M3 zoned rail yards. (The building is setback an additional 45 feet.)



**Archibald south of Provencher**

#### **Interface Area 3: Between Plinguet Street and Hamel Avenue**

While the east side of Archibald is zoned M3, it is primarily of a low impact nature (vacant land and a bindery/laminating shop), with the exception of a spray painting plant at Rue Messier, which is classified as a high hazard occupancy. West of Archibald Street, Plinguet is characterized by a varied mix of zoning and land uses. It is primarily zoned M2 with some R2 and RMF parcels. The Catholic Church controls much the land northwest of Archibald and Plinguet; part is vacant and part is a cemetery. The southwest corner includes houses, contractors shops and salvage yards. A two acre parcel on the Seine River appears to include a residential dwelling along with a large refuse stock pile. Across the river to the west, there are two large light manufacturing sites (Weststeel grain bins and AGC glass manufacturing). Both are zoned M2 and can only be accessed via local residential streets



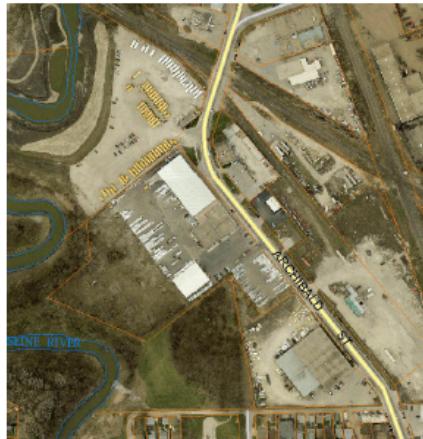
**Plinguet at the Seine**



**East side of the Seine at Rue Deschambeault**

#### **Interface Area 4: Between Hamel Avenue and Kavanagh Street**

One the west side of the Seine, the City has a continuous greenspace buffer. On the east side, there are large M2 parcels occupied by a fleet operation (school buses) and building supply distributors. The portion of the Seine River bank immediately north of Kavanagh Street is City-owned. Six acres of land is classified as vacant park for taxation purposes though the land is zoned "M2" General Manufacturing.



North of Kavanagh Street



Archibald north of Marion Street

#### **Interface Area 5: Archibald Street north of Marion Street**

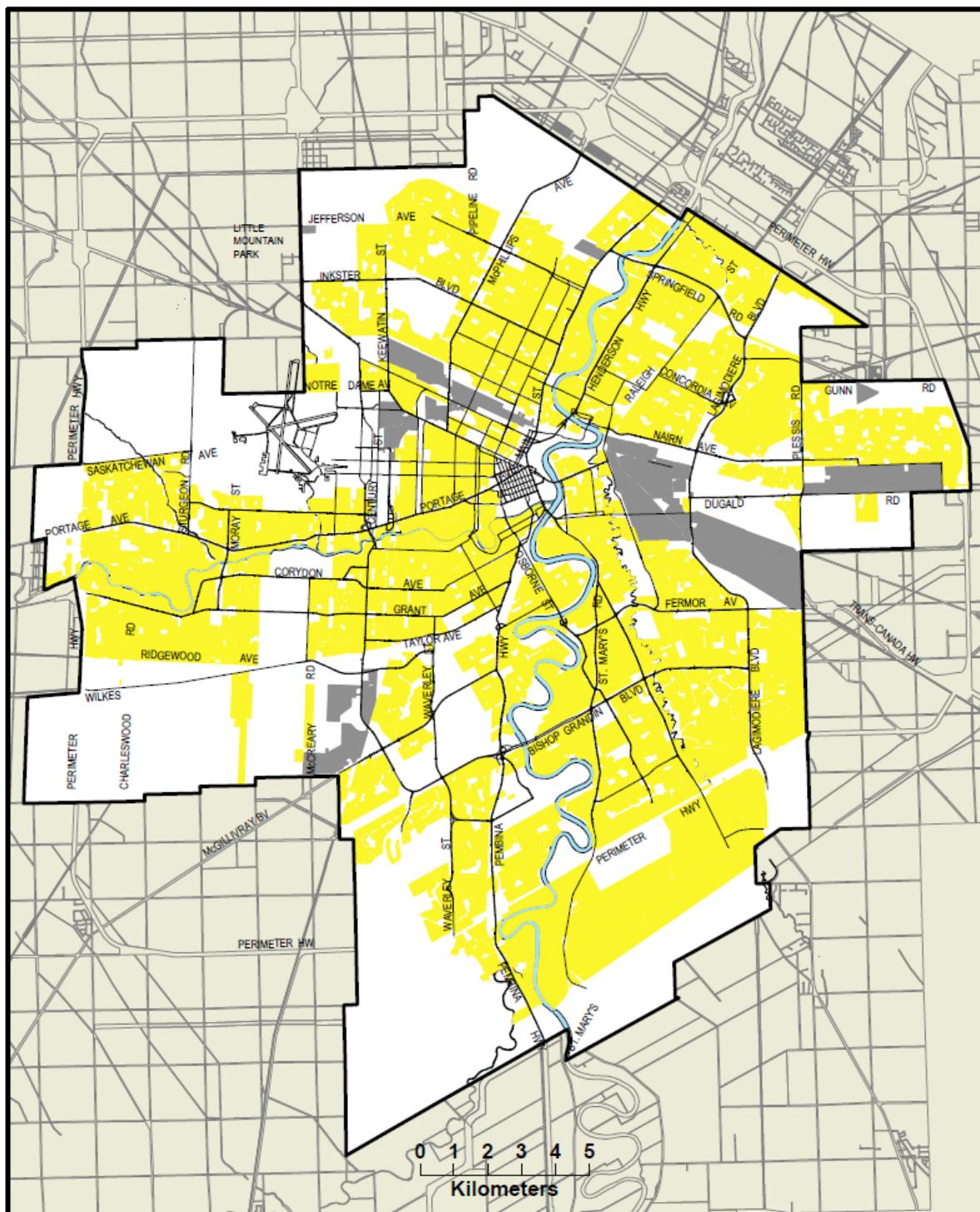
Although zoned C2, the west side of Archibald between Kavanagh Street and Marion Street is primarily residential. The east side of Archibald is zoned M2 for a depth of approximately 250 feet. (Including the Archibald right-of-way, total separation is over 300 feet). The M2 uses found along this stretch include light manufacturing, auto service, contractors' establishments, non-accessory parking and a cultural/religious institution. One of the autobody shops includes a spray painting facility, which is classified as a high hazard occupancy.

#### **Interface Area 6: Holden**

Dugald Road has a high number of houses on it, not just within the Holden Neighbourhood, but also on the north side and extending all the way to Dawson Road. Dugald Road is characterized by heavy trucking. The lands on the north adjacent to Holden are zoned "M2". They include a variety of light industrial uses, including a heavy construction contractor and an autobody shop with spray painting (a high hazard occupancy). The northern two blocks of Holden are zoned M2 and include a trucking and transport depot and a heavy equipment dealer. Toward Marion, the west side of Holden is zoned M3 and includes a fuel blending operation, a use not intended to be situated in proximity to residential. The northeast corner of Marion and Holden is also zoned "M3" although current uses on those parcels do no appear to be of a heavy industrial nature. Adjacent properties include auto sales, auto repair and a livestock feed producer. South of Marion is the 30 acre Maple Leaf Foods plant. Odour is occasionally experienced, but it is not considered a high hazard occupancy. Lands east of Lagimodiere are zoned M2 and are of a light industrial and retail nature. There is a lack of buffer between the houses in the Holden Neighbourhood and the high volume of traffic on Lagimodiere. Some houses are as little as 25 feet from the road bed.



Holden Neighbourhood



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M3 Zoning



Residential Zoning

